Draft
Environmental Assessment

Lewis & Clark Heritage Greenway Conservation Easement Amendment

Giant Springs State Park

September 28, 2004

Montana Fish, Wildlife & Parks

Lewis & Clark Heritage Greenway
Conservation Easement Amendment

Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of proposed state action:** Montana Fish, Wildlife & Parks proposes to accept 20 acres of land to be included in the adjoining Lewis and Clark Heritage Greenway Conservation Easement in exchange for allowing construction and use of a railroad right of way across approximately three acres of the existing conservation easement by the Great Falls Development Authority.

2. **Agency authority for the proposed action:** The Open-Space Land and Voluntary Conservation Easement Act, as cited in the Montana Code Annotated 76-6-106, allows a means for the preservation or provision of significant open-space land. Section 76-6-107 (1) stipulates: (1) No open-space land, the title to or interest or right in which has been acquired under this chapter, shall be converted or diverted from open-space land use unless the conversion or diversion is (a) necessary to the public interest; (b) not in conflict with the program of comprehensive planning for the area; and (c) permitted by the conditions imposed when the conservation easement was created. In addition, the statute states that other real property of at least equal fair market value and of as nearly as feasible equivalent usefulness and location for use as open-space land shall be substituted within a reasonable period not exceeding 1 year for any real property converted from open-space land use.

3. **Name of project: Lewis & Clark Heritage Greenway Conservation Easement Amendment**

4. **Name, address and phone number of project sponsor (if other than the agency):**
Montana Fish, Wildlife, and Parks (FWP), 4500 Giant Springs Road, Great Falls, MT 59405; 406-454-5840:
Great Falls Development Authority (GFDA), PO Box 2568, Great Falls, MT 59405; 406-454-5840;
PPL Montana, 40 East Broadway, Butte, MT 59710; represented by American Public Land Exchange at 125 Bank Street, Suite 610, Missoula, MT 59807; 728-4176.

5. **Estimated Schedule of Events**
Public Comment Period October 1- November 1, 2004
Decision Notice issued first week November 2004
FWP Commission Decision November 4, 2004
Public Appeal Period ends first week December 2004
Easements and Right of Way Documents completed mid December 2004

6. Location affected by proposed action (county, range and township):
The subject tracts are located about three miles northeast of Great Falls, Cascade County in Township 21 North, Range 4 East PMM, Section 27. The approximately 3 acre proposed railroad right of way is in the NE4SE4 of Section 27 lying between the existing Burlington Northern (BN) railroad and the north border of the conservation easement. The 20 acre portion is located in the E2NE4. Access to the tracts is obtained by traveling north on 15th Street West (Highway 87) in Great Falls, across the Missouri River. Turn east on Wiremill Road and east again on Rainbow Dam Road. Travel about 5 miles along the river to the end of the road and a small parking area with latrine.

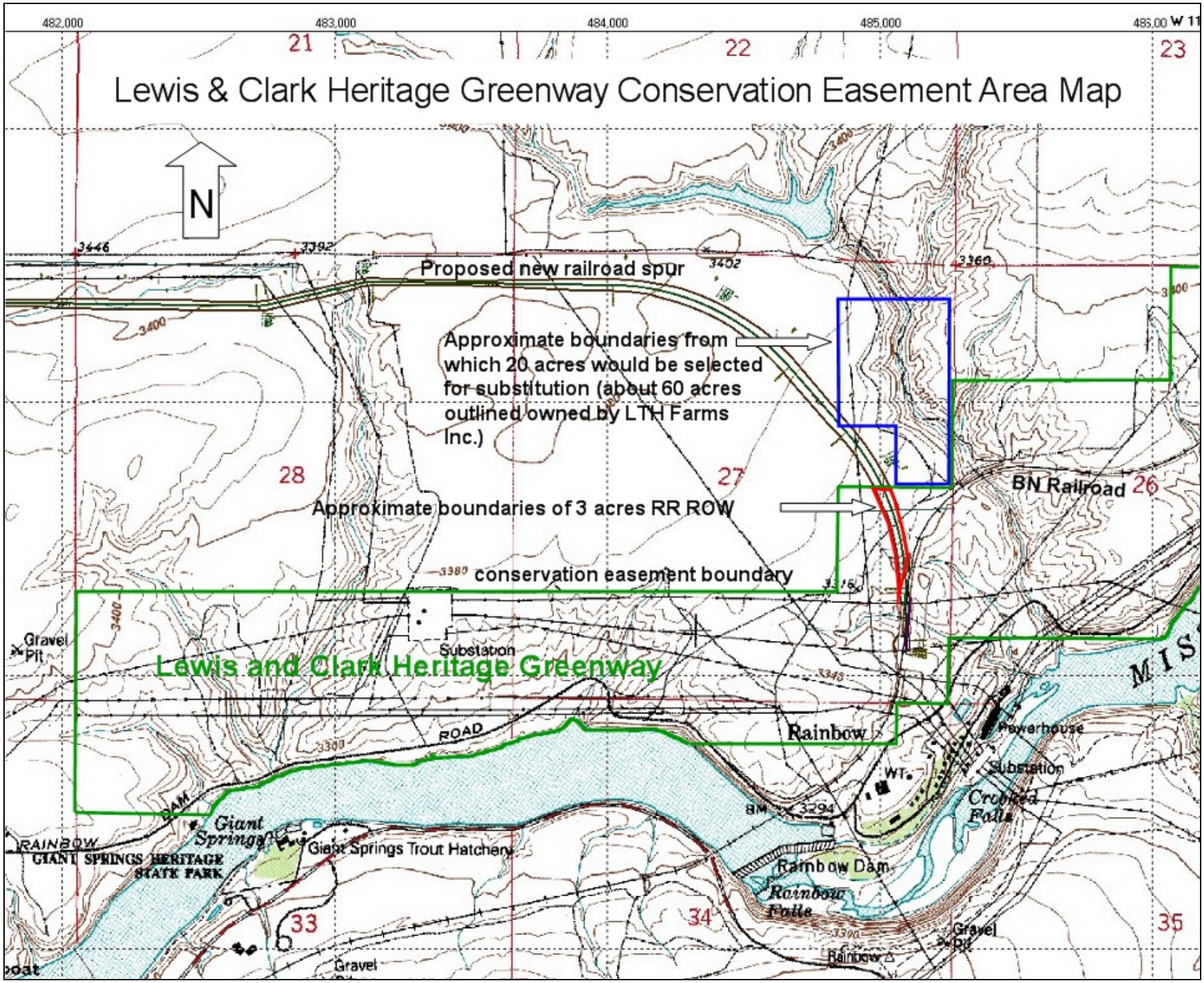
The tracts are at elevation 3,320 feet with gently sloping topography toward the south and east.

Sixty acres in the E2NE4 has been identified, from which twenty acres will be selected for substitution of the approximately three to be conveyed for railroad right of way and to include in the conservation easement boundary. The land is undeveloped consisting of native grasses and shrubs. The property is bordered by LTH Farms on the west, PPL Montana property (FWP conservation easement) on the south and east, and James Sheffel's property on the east and north. The twenty acres will adjoin the existing conservation easement boundary.

Please refer to the map on the next page. Additional exhibits (separate electronic file) show the properties from an aerial perspective, the proposed railroad right of way, and photos of the subject tracts.

7. Project size -- estimate the number of acres that would be directly affected that are currently: This document reviewed approximately 60 acres for possible substitution, however only 20 acres would be preserved in an open space conservation easement. The exact parcel boundaries will be determined in the decision document after all assessments are complete and public comment is received.

	Acres		Acres
(a) Developed:		(d) Floodplain	0
Residential	0		
Industrial	0	(e) Productive:	
		Irrigated cropland	0
(b) Open Space/Woodlands/Recreation	23.5	Dry cropland	0
		Forestry	0
(c) Wetlands/Riparian Areas	0	Rangeland	0
		Other	0


Lewis & Clark Heritage Greenway Conservation Easement Area Map
N
Proposed new railroad spur
Approximate boundaries from which 20 acres would be selected for substitution (about 60 acres outlined owned by LTH Farms Inc.)
Approximate boundaries of 3 acres RR ROW
conservation easement boundary
BN Railroad
Lewis and Clark Heritage Greenway
Gravel Pit
Substation
ROAD
Rainbow
Powerhouse
Substation
Crooked Falls
Giant Springs
Giant Springs Trout Hatchery
RAINBOW
GIANT SPRINGS HERITAGE
STATE PARK
Rainbow Dam
Rainbow Falls
Gravel Pit
Rainbow
Gravel
482,000
483,000
484,000
485,000
21
22
23
28
27
26
33
34
35

8. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits: to be obtained by RR contractor or GFDA (not FWP)

Agency Name	Permit
Department of Environmental Quality	Montana Pollutant Discharge Elimination system permit
US Army Corps of Engineers	Clean Water Act Section 404

(if discharge of excavated material occurs in intermittent stream channels)

(b) Funding:

Agency Name	Funding Amount
Great Falls Development Authority	acquisition costs for 20 acres closing costs

Construction (of the entire 3.3 mile railroad spur from the existing BN line to the processing park) will be funded by these sources:

US Department of Agriculture Rural Development	$1 million
Economic Development Administration	$2 million
Great Falls Development Authority	$2.2 million

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
PPL Montana	land owner; approval of easement boundary and right of way amendments
Great Falls City-County Planning Office	zoning location/conformance permit
Burlington Northern-Santa Fe Railroad	new railroad use and spur connection
State Historic Preservation Office	cultural site protection

9. Narrative summary of the proposed action or project including the benefits and purpose of the proposed action:

Please refer to the map on page 3. Additional exhibits (separate electronic file) show the properties from an aerial perspective, the new railroad right of way exhibit, and photos of the subject tracts.

The GFDA and Great Falls Community Development office issued an environmental assessment in August 2004 which reviewed the entire 3.3 miles of railroad between the existing BN railroad and the new processing park. This environmental review evaluates amending the existing conservation easement that FWP holds with landowner PPL Montana, the proposed mitigation (additional 20 acres), and impacts of railroad spur construction crossing the conservation easement (about 1100 linear feet and about three acres).

Montana Fish, Wildlife and Parks (FWP) currently holds the Lewis and Clark Heritage Greenway Conservation Easement on about 2,400 acres owned by PPL Montana north of the Missouri River so as to protect and enhance the open space, natural and visual resources where consistent with hydropower production and power transmission activities. The Great Falls Development Authority (GFDA) wishes to cross about three acres of this easement (about 1100 linear feet) to construct part of a railroad spur that will run between the existing Burlington Northern (BN) line and a developing value-added commodity processing park north of Great Falls.

The purpose of the new railroad spur is to provide transportation for supplies and products needed at the new processing park. As the railroad plans were developed, it was discovered that the new spur will need to be constructed partially across the Lewis & Clark Heritage Greenway Conservation Easement held by FWP. Although a new railroad right of way is inconsistent with the purpose and terms of the existing conservation easement, FWP has analyzed the proposal in light of the statutes regarding protection of open space land and has determined the project can be allowed. FWP has met several times with the GFDA and agreed that the proposed route is the most financially practical and must be considered given the regional and community benefits and support of the new value added commodity processing park.

The deed of conservation easement, however, prohibits: construction or placement of any structure, building or improvements, removal of woody vegetation, extraction of soils, disposal of wastes, and motorized vehicles on the land (VI. Restrictions on Grantor's Land and Activities; Region 4 FWP office has a copy of the entire deed on file). All parties, however, have tentatively agreed to a solution by amending the easement in compliance with statutory requirements for diverting open-space land. In an effort to mitigate the loss of open space and recreational use in the approximately three acres of proposed railroad right of way, and pursuant to Montana Code Annotated 76-6-107, the GFDA proposes substituting 20 acres of private property with similar open-space values located near the new railroad right of way and adjacent to the easement boundary. The exact boundaries of this 20 acre parcel would be determined in the decision notice after public comment has been solicited. The Lewis and Clark Heritage Greenway Conservation Easement deed would be amended to reflect the added property, and to allow the GFDA to develop the new railroad.

The new railroad right of way across the conservation easement is a narrow strip (about 125' wide and 1100 linear feet or about 3 acres) beginning at the BN right of way north to the conservation easement border, after which it soon crosses active farmland. The native grassland includes two shallow coulees with snowberry brush in the bottoms and deer trails woven within.

Construction would require large amounts of cut and fill. Fill would begin at the intersection within the BN right of way and continue into the easement about 350'. Excavation would begin about 350' into the easement property and continue for about 700' north. At the north boundary of the conservation easement, excavation would be approximately 19' deep and about 100' across to accommodate track grades and 2:1 slopes on either side of the new line.

According to railroad plans and the railroad project engineer with Thomas, Dean & Hoskins, Inc. (TD&H), construction will require removal of about 25,000 cubic yards of soil on the conservation easement and a total of about 500,000 cubic yards for the entire three mile spur to the processing park. Some of this material is proposed for deposit within the BN railroad right of way to support existing railroad grade. The remaining material will be deposited on LTH farmland, upper western slopes of the coulee in section 27, or other nearby areas suitable to the private landowner. No fill material will be placed on the conservation easement or PPL Montana land.

The approximately three acres of proposed railroad right of way is not heavily used by recreationists. It is part of a narrow strip north and uphill of the existing railroad line along the border of the conservation easement. Public parking for use of this north shore area is below the tracks and directly connects to a trail (PPL Montana maintenance road) along the river; thus, most public use is focused along the trail and near the river, south of the proposed railroad right of way. Trespass is prohibited on the railroad right of way, though it is not signed in this area.

The land proposed for substitution of the new right of way has similar per acre values for vegetation, wildlife habitat, and public recreation, but is six or seven times as large and therefore probably has a higher monetary value than the new railroad right of way. The new tract provides more topographical relief and potential habitat for wildlife by virtue of its larger size. The 120' deep coulee is an ephemeral stream channel with remnants of many single track trails up the banks and along the bottom; it is in various stages of recovery from historical off-highway vehicle use (see photo exhibits). Upstream of the subject land about one-quarter mile is a private reservoir about 10 surface acres in size depending on water levels (estimated from topographical map measurements).

The Lewis and Clark Heritage Greenway Conservation Easement provides natural areas for hiking, biking and walking on about 2,400 acres. Some trails are developed; no motorized vehicles are allowed except PPL Montana maintenance vehicles. The twenty acres proposed to add into the conservation easement would be preserved for the same purposes.

GFDA anticipates that the value-added processing park will help diversify the economy and result in contract production for Montana farmers, as well as assure some market stability for producers. The railroad spur will serve several entities; the first being International Malting Company, began construction of a multimillion dollar facility in 2003 which will provide jobs for

34 people, in addition to supporting the area agricultural economy with its need for barley. It is also anticipated that a natural gas fired electrical generating plant will resume construction in 2005, benefiting hundreds of construction employees. As the park acquires additional tenants, it is anticipated that the production will help stabilize or diminish the number of people leaving rural areas, increase per capita income and decrease unemployment. (Value Added Commodity Processing Park EA, GFDA, August 2004.)

PART II. ENVIRONMENTAL REVIEW

1. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

Alternative A: No Action
If FWP did not allow the new railroad spur to cross the conservation easement, the Value Added Commodity Processing Park would not be feasible at the level proposed and planned. Access to the existing BN rail line was one of the reasons this area was selected to promote future industry, economic growth and long term regional employment stability. The Great Falls development community and northcentral region of Montana believe this processing park with supporting facilities, such as the new railroad spur, can substantially help the agricultural economy of these areas. The City of Great Falls and the Great Falls Development Authority have been working to complete the infrastructure and transportation needed for a new malting plant and to promote the larger processing park. The International Malting Company (IMC) began building a $65 million barley malting plant in June 2003. The volume of product anticipated by IMC and other industries expected to use the processing park in the future would be very costly to ship by truck, and IMC now anticipates 100% of their product will be shipped by rail.

Preferred Alternative B: Proposed Action to allow a railroad right of way across the conservation easement mitigated by the addition of 20 acres of similar land to the easement; excess fill disposed off of conservation easement land.
Please refer to the narrative (#9) above and the checklist assessment beginning on page 11.

Alternative C: Proposed Action, but allows placement of excess fill on the conservation easement land.
Alternative C would allow the new railroad right of way across the conservation easement and substitute this loss with twenty acres of similar lands as proposed. This alternative differs from the proposed Alternative B by allowing the 3-400,000 cubic yards of excess excavated material to be deposited on conservation easement land. A total of 500,000 cubic yards of excavated material is anticipated, but a portion of this would be used as railroad bed structural base and to stabilize the existing BN railroad base.

If the earth scraping machinery could excavate the railroad grade downhill, from northwest to southeast, and place fill along the nearby coulees, the fuel costs would be nearly half of

working the opposite way, or uphill, and perhaps having to truck the excess soils to other areas off site.

This alternative was first proposed because of the ease and speed of completion and construction cost savings. Excess fill would be placed adjacent to the existing railroad grades in two small coulees near where the new railroad intersects the existing railroad and in the large coulee identified as potential substitution land. The upper gentle slopes of the large coulee proposed for substitution would be filled. Culverts under the existing railroad would be extended to allow continued drainage. The top soil in these areas would be stockpiled, earth compacted by the scraper truck wheels, then top soil replaced on a 2:1 slope. A native grass seed mix would be planted in disturbed areas to encourage and speed re-vegetation of the area and discourage weed growth.

The potential impacts to the veiwshed, watershed, and vegetation, and the restrictions specifically stated in the conservation easement agreement between PPL Montana and FWP discouraged the agencies from allowing fill placement in these areas at this time. The agreement prohibits disposal of wastes, of which excess land is considered waste material. The visual impacts on the easement would be altered due to the large volume of excavation and fill placement. With the incessant spread of noxious weeds and cost to manage them, neither PPL Montana nor FWP want the added responsibility and costs associated with re-introduction of native species and control of noxious weeds, which are prone to establishment in large areas of disturbed soils.

Other Alternatives Considered but not Studied in Detail

Alternative D: Exchange Other Lands for Mitigation

Other lands in the vicinity of the Missouri River were considered as substitutes to mitigate effects of allowing the new railroad right of way across the conservation easement. These tracts, however, were larger and more expensive than reasonable to consider for comparable exchange. In addition, the timeframes likely required to solidify agreements or subdivisions with prospective landowners would not be feasible to complete grants needed for the railroad spur project.

Alternative E: Other Railroad Spur Locations

According to Thomas, Dean & Hoskins, Inc., engineering consultants for the project, the proposed location to tie the railroad spur into the existing BN railroad is the most feasible due to topography and cost. It requires crossing the least amount of conservation easement and is the most direct route from an accessible section of the existing rail line. Railroad intersections are required to intersect at straight sections of existing rail line. Other tie-in locations would cross the conservation easement for a half mile or more, thus increasing the impacts to the easement, as well as increasing costs to construct a longer line.

2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

FWP Design and Construction Bureau may have the right to review the new railroad right of way designs and plans which would need to comply with all state construction codes and best management practices (BMPs).

Department of Environmental Quality will evaluate and can permit the placement of excess soils resulting from constructing the railroad grade to ensure protection of downstream waters from runoff.

Construction plans call for stockpiling top soil, compacting disturbed soils and reseeding with disturbed ground with local native seed mix and managing weeds in the future. The contractor or new railroad right of way easement holder would be responsible for implementing these actions. PPL Montana and FWP would be responsible for approving final restoration results of the project on the conservation easement land.

The FWP regional wildlife manager additionally suggests planting native woody vegetation to replace lost vegetation, enhance wildlife habitat, and help control erosion in the coulees.

PART III. PUBLIC PARTICIPATION

1. Describe the level of public involvement for this project if any, and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- Two public notices in each of these papers: *Helena Independent Record, Great Falls Tribune;*
- One statewide press release;
- Public notice on the Fish, Wildlife & Parks web page: *http://fwp.state.mt.us*.

Interested parties will be notified of the availability of this environmental assessment and where to view/receive copies.

This level of public notice and participation is appropriate for a project of this scope having few minor impacts, many of which can be mitigated.

2. Duration of comment period, if any.

The public comment period will extend for thirty (30) days following the publication of the second legal notice in area newspapers. Written comments will be accepted until 5:00 p.m., November 1, 2004 and can be mailed to the address below:

L&C Heritage Greenway Conservation Easement EA
Fish, Wildlife & Parks
4600 Giant Springs Road
Great Falls, MT 59405

Or email comments to: *maderhold@state.mt.us*

PART IV. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Soil instability or changes in geologic substructure?			X		Yes	1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		Yes	1b.
c. **Destruction, covering or modification of any unique geologic or physical features?		X				1c.
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X		Yes	1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (attach additional pages of narrative if needed):

1a. Railroad grade construction will require excavation of up to about 19' deep and 100' wide with 2:1 side slopes at the north boundary of the conservation easement. This disruption will have a minor impact on soil stability temporarily until vegetation can be reestablished on surface layers. Project engineers TD&H stated that soils were drilled and tested down to 60' resulting in clay-type soils similar to surface content the entire depth; no bed-rock will be impacted. Fill would be compacted to a rate equal to or higher than naturally occurring compaction to maintain soil stability and reduce erosion. Construction would include tile drains along the base of the rail line cut banks to aid in drainage.

1b. Excavation for the new railroad grade will disrupt and displace about 25,000 cubic yards of soil on the conservation easement. Some fill material will be needed to bring parts of the railroad up to grade in places. Fill material and railroad track materials will compact and cover existing native grass species and woody vegetation. Erosion will slightly increase since vegetation will be absent along railroad side slopes. The GFDA has agreed not to deposit extra material on the conservation easement or on the new 20 acres proposed for substitution. The BN Railroad may allow use of some fill material within the existing railroad right of way to stabilize banks. Erosion and moisture loss can be diminished and the return to vegetative productivity expedited with the proposed reseeding of all disturbed areas with a native grass mix and native woody brush species.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

1c. The geologic and physical features on the subject tracts are typical of this region; no unusual features occur on the approximately 3 acres of conservation easement or the 20 acre substitution parcel.

1d. Excavation, removal of vegetation and fill deposits will have a temporary minor effect on siltation, deposition and erosion patterns. The drainages adjacent to the new railroad spur carry intermittent water, primarily from runoff events, are well vegetated, thus are not expected to undergo significant changes. Decades ago, the BN railroad put culverts through these drainages, which continue to the Missouri River reservoir approximately one half mile southeast. Culverts will be extended through the new material to allow for drainage where the new railroad spur ties into the existing BN railroad. The railroad grade will include a storm drain inlet system included at the base of the tracks and which will tie directly into existing culverts. Drainage distribution will be similar to existing patterns, using the same coulees. Construction plans call for slopes created by excavation and fill placement to be graded at 2:1 slopes, and seeding disturbed areas; this will expedite revegetation of these areas and reduce erosion in the long term.

2. AIR **Will the proposed action result in:**	**IMPACT ***				**Can Impact Be Mitigated ***	**Comment Index**
	Unknown *	**None**	**Minor ***	**Potentially Significant**		
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X		No	2a.
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		n/a				
f. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (attach additional pages of narrative if needed):

2a. Heavy equipment moving soils to construct the railroad grade will create dust; thus slightly decreasing short-term ambient air quality during construction. High winds could also add dust to the air prior to vegetation becoming re-established on new cut banks and excess fill deposits. An increase in train traffic (two trains daily estimated when malt plant is at full production; TD&H) hauling supplies and product from the processing park will slightly increase petroleum fuels exhaust compared to current conditions.

	IMPACT *	**Can Impact**	**Comment**

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3. WATER Will the proposed action result in:	Unknown *	None	Minor *	Potentially Significant	Be Mitigated*	Index
a. *Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		Yes	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Yes	3b.
c. Alteration of the course or magnitude of floodwater or other flows?		X				3c.
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X		No	3h.
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ****For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		n/a				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		n/a				
n. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (attach additional pages of narrative if needed):

3a. Drainages occurring on or near the subject tracts primarily carry sporadic runoff; the bottom is well vegetated and water events have not deterred vegetation growth. Annual normal precipitation is 15.21 inches (Baseline Data Report, August 1999). The ephemeral stream near the 20 acre substitute tract is downstream of a private reservoir about 10 surface acres in size and about one half mile north. There is no outlet for this reservoir. It is possible that some excess fill material would be placed on the upper gradual slopes of this drainage, upstream of the conservation easement and the new 20 acre substitution tract. If so, the upper slopes would be steeper and subject to erosion until vegetation is re-established, indirectly affecting the new 20 acre substitution tract and conservation easement downstream with minor sediment deposition. In addition, proposed excavation along the new railroad right of way would increase the volume of sediment during runoff events until vegetation

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becomes re-established on the cut banks. Seeding these disturbed soils with a native grass mix will expedite vegetation growth and reduce runoff turbidity.

3b. Runoff will be slightly faster and slightly larger volumes due to the temporary lack of vegetation on the new cut banks and fill areas. The new spur will have about one mile of uphill grade from the intersection with the BN railroad. Because most of this distance is in a cut, runoff will funnel down the railroad to the small coulee near the railroad intersection where it will have a chance to settle and pass through culverts under the BN railroad. The Missouri River is about a half mile from the new railroad spur. FWP Fisheries Manager Steve Leathe stated that if standard state erosion and sediment control methods are used during construction, the proposed project has a low likelihood of impacting the Missouri River and its fishery with regard to turbidity. Seeding disturbed areas will reduce runoff effects when vegetation becomes established.

3c. This area has not been mapped or designated as floodplain by DNRC or the Federal Emergency Management Agency (http://maps2.nris.state.mt.us/mapper). The BN railroad is about 140 vertical feet above the Missouri River at the point where the new spur would intersect. No wetlands are found in the proximity of the project area (Value Added Commodity Processing Park EA, August 2004).

3h. There is a slight risk of surface or groundwater contamination by the presence and use of heavy equipment for construction; an accident resulting in a petroleum products spill during construction could occur. The GFDA would be responsible for ensuring the contractor completely cleaned the site in a timely manner.

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4. VEGETATION Will the proposed action result in?	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		Yes	4a.
b. Alteration of a plant community?			X		Yes	4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				4d.
e. Establishment or spread of noxious weeds?			X		Yes	4e.
f. ****For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		n/a				
g. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation (attach additional pages of narrative if needed):

4a. The right of way and proposed 20 acres for substitution consists of prairie grasses typical of the Teton River-Judith Basin Grassland vegetation subtype, including needle-and-thread, western wheatgrass, blue gramma, plains prickly pear. Woody vegetation within the conservation easement is protected and includes species such as snowberry (*Symphoricarpos albus*) and skunkbush sumac (*Rhus trilobata*) in this area. Much of the vegetation in the approximately three acres of new railroad right of way will be removed. TD&H stated that all top soil would be stockpiled and replaced on deposits of excess material to encourage seeded native grass growth.

4b. The new railroad right of way will intersect the prairie grass community. Seeding disturbed soils will expedite the return of native species.

4c. None of the four federally listed threatened species or candidates for listing have been recorded in Cascade County, according to the September 2003 listing of *Threatened, Endangered and Candidate Species* in Montana by the US Fish and Wildlife Service. The Water howellia (*Howellia aquatilis*) and Ute Ladies'-tresses (*Spiranthes diluvialis*) are found in more moist climates. Spaldings Campion (Silene spaldingii) has been found west of the Continental Divide. Slender (or linearleaf) moonwort (Botrychium lineare) is found in conifer forest meadows. The 1999 *Baseline Data Report for Lewis and Clark Heritage Greenway Conservation Easement* did not identify any vegetative species of concern in the vicinity.

4d. Land within the conservation easement is not farmed; however, much of the three miles of new railroad spur will cross private land which is actively farmed. The 20 acres proposed as substitution is

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not used for agriculture due to its steep nature and lack of fencing to contain cattle. Livestock grazing could be allowed subject to a management plan and approval by both FWP and PPL Montana.

Secondarily, however, the new railroad right of way would cross private land currently used for grain production which would be eliminated by construction and use of the new railroad spur. This use of private land is entirely up to the private landowner and is not a component of the FWP proposed alternative and amendments to the conservation easement.

4e. Noxious weed establishment is a concern when soils are disturbed. The GFDA would be responsible for controlling weeds on the new railroad right of way according to PPL Montana. Because motorized vehicles are not allowed on the conservation easement and adjacent farmlands have few weeds, noxious weeds are not expected to rapidly spread on the 20 acres proposed for substitution. The Parks Division of FWP and PPL Montana would monitor this area in conjunction with the main conservation easement property, which has few weeds in the subject area. FWP has a regional weed management plan and works closely with the county weed district to control weeds on FWP land.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 5. FISH/WILDLIFE Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?			X		Yes	5a.
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?			X		Yes	5c.
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				5g.
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		n/a				
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		n/a				
j. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish and Wildlife (attach additional pages of narrative if needed):

Species in this reach between Rainbow and Cochrane Dams include: yellow perch, few walleye, rainbow trout, brown trout, white fish, carp and suckers. Water and hydropower production demands in this reach of river result in a high exchange rate, and therefore poor fish habitat and nutrition. Streams on the subject tracts are ephemeral, therefore, fisheries are not a direct concern. FWP Region 4 Fisheries Manager Steve Leathe indicated that standard state sediment control precautions during construction and reclamation procedures should adequately protect the limited fishery in the Missouri River (personal communication September 8, 2004).

FWP Region 4 Wildlife Manager Graham Taylor indicated that the conservation easement area provides habitat for a wide variety of common prairie species including Hungarian partridges, mourning doves, pheasants, mule deer, fox, coyote, an occasional bobcat, a variety of hawks, and eagles along the river (personal communication September 8, 2004). Because the project eliminates only three acres on the easement and protects an additional 20 acres, the project would only slightly impact wildlife. Mr. Taylor did not anticipate difficulties in wildlife adjusting to additional train traffic or having to cross another track. He did state that it is important to seed disturbed soils with native

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grasses, not typical domesticated grass mixes, to mitigate the impacts of moving large volumes of topsoil and vegetation. He encouraged the planting of native woody vegetation, such as snowberry, chokecherry, buffalo berry, to provide wildlife cover and food. Mr. Taylor did not know of any threatened or endangered species in the project area.

5a. Mr. Taylor indicated that the subject tracts are not sensitive areas for wildlife, and though about 3 acres of prairie habitat will be removed, this is not a substantial impact to the area wildlife. In addition, 20 acres will be protected when added to the conservation easement boundaries.

5c. Some minor displacement of small nongame species will occur due to construction of the railroad. Some species will return to the vicinity after construction noises and activity ends and they become accustomed to the changes in topography. Reseeding with native grass species (and woody vegetation) will mitigate the long term effects of disturbed soils and expedite the return of small game habitat.

5f. No threatened or endangered fish or wildlife species are known to inhabit this area as per the regional managers noted above.

5g. Mr. Taylor stated that it is unlikely that the projected train traffic (two trains daily after full development of malting plant) would impact deer or other wildlife populations and their use of the area.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Increases in existing noise levels?			X			6a.
b. Exposure of people to severe or nuisance noise levels?		X				Please refer to Comment 6a.
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Effects (attach additional pages of narrative if needed):

6a. Noise levels will temporarily and slightly increase during construction due to the use of heavy equipment (scrapers, dump trucks, tractors). Noise associated with construction of the new railroad would be several miles from the nearest home and about one half mile from the popular north shore trail. Construction is expected to occur over several months. As mentioned above, when the malting plant reaches full production, two trains daily may cross the tracks carrying supplies and product shipments; thus, train noise will slightly increase in the long term, as well. There are no residences within several miles of the subject tracts, though the BN railroad and the new railroad spur run past numerous homes outside of the conservation easement area.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

7. LAND USE Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			X positive			7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?			X		Yes	7c.
d. Adverse effects on or relocation of residences?		X				
e. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Use (attach additional pages of narrative if needed):

7a. The current conservation easement restricts the use of the land with an emphasis on recreation and non-motorized uses, which are indirect products of the land. The proposed railroad right of way construction uses the land to directly create profit by shipping agricultural products to market. In addition, the 20 acres of substituted land, which is currently idle as private unused land, will be added to the conservation easement for public, non-motorized recreational use.

7c. There are conflicts with the existing conservation easement agreement, which prohibits certain uses of the land under which railroad construction would be included, such as construction of improvements, removal of woody vegetation, extraction of soils, disposal of wastes on the land, and motorized vehicles (VI. Restrictions on Grantor's Land and Activities). After considering statute 76-6-107, the easement restrictions, small acreage impacted, railroad location alternatives, and potential community benefits, FWP and PPL Montana propose amending the easement agreement to allow railroad right of way access in this circumstance. To mitigate the loss of this right of way for recreational purposes, the GFDA proposes to add 20 acres to the easement boundaries subject to the original non-motorized recreational opportunities to substitute for the three acres allowed for railroad right of way.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?			X		Yes	8c.
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		n/a				
e. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (attach additional pages of narrative if needed):

8a. There is a slight risk of a petroleum products spill caused by a heavy equipment accident during construction. The project would be monitored by GFDA, who would be responsible for ensuring the contractor completely cleaned the site in a timely manner. Noxious weed control in the future would be the responsibility of GFDA and likely include the use of herbicides applied by a trained applicator and according to product specifications.

8c. Increased train traffic could present a hazard for recreating pedestrians. Most people, however, use the developed trail (maintenance road) that is adjacent to the easement parking lot and is closer to the river. Most recreationists will use a trail, thus reducing the potential for train/pedestrian accidents. Signing would help alert people that this is an active track and that trespassing within the right of way is not allowed.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

9. COMMUNITY IMPACT Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?			X			9a.
b. Alteration of the social structure of a community?			X			9b.
c. Alteration of the level or distribution of employment or community or personal income?			X			9c.
d. Changes in industrial or commercial activity?			X			9d.
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X			9e.
f. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Impact (attach additional pages of narrative if needed):

9a. The construction of the railroad spur on the conservation easement will cause an slight and temporary increase in people on site during construction. Due to the location of the new 20 acres to be annexed into the conservation easement in relation to the public parking area and need to cross the railroad tracks, long term recreation-related visitation is not expected to change on the subject parcels. A secondary effect of permitting the new railroad right of way is the anticipated effects created by the processing park. The GFDA EA completed in August 2004 anticipates the exodus of rural occupants will stabilize or diminish due to the demand for agricultural products from the northcentral region to supply the processing park.

9b. Because there are no homes in the immediate vicinity and low visitation to the north border of the conservation easement in discussion, the new railroad right of way would not directly alter the social structure of the community. Approving the new right of way would consequently support the processing park and resulting jobs in a new industry, and this is a benefit to the community economically. Homes do exist near the new park, which would be affected by an increase in commercial use of the area, related traffic, and type of employees attracted to agricultural product processing type jobs.

9c. Construction of the new railroad right of way will provide a temporary volume of work for a few number of workers. Secondarily, the right of way will support the development of the processing park which will provide about 34 jobs at the new malting plant when fully developed, and more as more tenants occupy the industrial area. The August 2004 GFDA EA regarding the processing plant and railroad spur stated that the processing park is expected to increase per capita income and decrease unemployment and low income levels through long term need for agricultural products out of northcentral Montana and resulting industrial jobs.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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9d. The construction of the new 1100' stretch of railroad across the conservation easement will indirectly contribute to an increase in industrial activity at the malting plant site and the processing park in the long term. The effects of this can be more thoroughly reviewed in the Value Added Commodity Processing Park EA completed in August 2004 by the Great Falls Community Development Department.

9e. Rail traffic is expected to increase on the BN line when the malting plant is completed. TD&H indicated that a train currently runs on the tracks about twice a week; upon completion of the malting plant, rail use is expected to increase to twice a day. Standard railroad policy prohibits trespass on train tracks or in the railroad right of way. The increased train traffic will present a slight increase in hazards to pedestrians and animals that may cross the tracks to access other areas of the conservation easement. As discussed previously, the new spur crosses a small portion of the easement near the north border, and is about a half mile from the public parking area. Recreationists seldom use this part of the easement as the railroad tracks are difficult to walk compared to the designated trail following the Missouri River toward Cochrane Dam.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:			X		Yes	10a.
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. **Define projected revenue sources						10e.
f. **Define projected maintenance costs.						Refer to 10e.
g. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (attach additional pages of narrative if needed):

10a. In the short term, FWP staff would administer and negotiate the easement amendment to allow the railroad access across the easement and add 20 acres to the easement boundary. The FWP Commission would need to approve the amendment. Physical services would be minimal, but would include oversight of the additional 20 acres for non-motorized use violations, hunting violations, weed management by either PPL Montana or FWP. The additional land would fall under management of the State Parks Division, Giant Springs State Park, administered from the Great Falls office.

10e. FWP staff payroll to administer the easement amendment would be funded by division/bureau budgets. On-site management would be funded by the Parks Division of FWP and absorbed into existing budgets because of the minimal amount of land and close proximity to the existing easement.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

** 11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X		Yes	11a.
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Tourism Report pending.)			X		Yes	11c.
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		n/a				
e. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (attach additional pages of narrative if needed):

The subject tracts are south-facing, open space prairie with grassy coulees draining to the Missouri River. Views to the east are open across the prairies and onto large cultivated fields. Views to the north and west are similar but crossed with multiple large power lines, The north side of the Missouri River is not as heavily used for recreation as the River's Edge Trail on the south side. The 2,400-acre conservation easement that FWP holds with PPL Montana, however, is specifically reserved for open space, hiking and biking types of non-motorized activities. A public trailhead is located above the Rainbow Dam powerhouse and PPL Montana maintenance facilities. The company's maintenance road leads from this trailhead east along the river and is a good quality gravel road. Anecdotal information from state parks staff and people familiar with the area indicate that most recreational hiking and biking occurs along this trail. The public is not legally allowed on the railroad track and there are no other designated trails leading from the trailhead.

11a. The south side of the River's Edge Trail, starting at the Lewis and Clark Overlook, receives a large amount of recreational use, including: hiking, biking, sight seeing, viewing wildlife, and a destination on historic tours sponsored by the High Plains Heritage Center. Looking north from the Overlook and trail, the cut banks created by the new railroad right of way would be seen for a distance of about ¼ to ½ mile. This impact to the viewshed is expected to be minimal due to the existing cut banks in the immediate area created by the BN railroad and other manmade features also in this viewshed, such as large electric power lines and buildings associated with power production.

Adding 20 acres, or over six-times the acreage of the railroad right of way, to the conservation easement will mitigate the above impacts through the protection of scenic vistas immediately east of the new railroad.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

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11c. The distance uphill from the developed trail and "natural" barrier created by the BN railroad tend to limit the number of users visiting this part of the conservation easement. The quality of recreation may decline very slightly for those few recreationists seeking solitude north of the BN railroad within the conservation easement. The increase of two trains daily (present use of the BN railroad is about two trains weekly) will impose on the natural setting and create noise for short durations. The addition of 20 acres to the conservation easement, however, would provide additional space for people to recreate. The land proposed has more varied topography and potential to harbor wildlife for viewing or hunting.

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. **Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		n/a				
e. Other: none						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (attach additional pages of narrative if needed):

12a. Gar C. Wood and Associates conducted a cultural resource inventory of the 3.3 mile long railroad spur at the request of the GFDA. The archeological consultants submitted their Cultural Resource Management Report on July 6, 2004 concluding that of two historical archaeological sites found in the survey, one is possibly located on the conservation easement proposed for the new railroad right of way. Site 24CA658, or the Great Northern Railroad, is the active Burlington Northern Santa Fe Railroad and includes right of way fence, grade, standard gauge rails and ties of the original main line of the Great Northern Railway between Havre and Butte constructed in the late 19th Century. The site is eligible for listing on the National Register of Historic Places because it is associated with the events that have made a significant contribution to the broad patterns of our history, and railroad revenue, and is associated with the lives of persons significant in our past, Paris Gibson. The BN railroad serves the agricultural area northeast of Great Falls as far as Fort Benton. The proposed new railroad spur would connect to the BN line at the found historic site. The report recommended that because the construction of the spur would cause no adverse effect to the existing line, there would be no adverse effect upon any significant cultural site as construction was proposed. The City of Great Falls/Cascade County Historic Preservation Office concurred with this recommendation. (Value Added Commodity Processing Park EA, August 2004).

FWP Cultural Resource policy requires consultation with the State Historic Preservation Office (SHPO) on cultural resource undertakings which could alter or affect cultural resources within the proposed project area. The SHPO will review the cultural resource inventory and will give their recommendation to FWP regarding the completion of the new railroad spur and its potential to impact cultural resources. If the SHPO has concerns about impacts caused by the proposed new railroad spur tying into the Great Northern Railroad, the agencies will negotiate mitigation measures and come to an agreement prior to project construction start-up.

* Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or cannot be evaluated.

** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

*** Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

**** Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT *				Can Impact Be Mitigated *	Comment Index
	Unknown *	None	Minor *	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)			X		Yes	13a.
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				
g. ****For P-R/D-J, list any federal or state permits required.						See Section 1, #8 Permits

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Significance Criteria (attach additional pages of narrative if needed):

13a. Though minor effects to several resources have been identified, the proposed mitigation replaces the loss of open land for hiking, biking, wildlife viewing, wildlife habitat and long term protection of a piece of land about six times larger than of that used for railroad right of way. In addition, the existing man-made structures and deviances from the natural state of the land not associated with this proposal preclude visitors from having a "wilderness experience" or viewshed without foreign objects interrupting the landscape. For example, the view from the south shore Lewis and Clark Overlook includes a dam, powerhouse, large maintenance buildings in the foreground and substations and large power lines across the entire north horizon. The existing railroad and cut bank bisect the view from northeast to southwest (please refer to photo exhibit).

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** Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

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PART V. NARRATIVE EVALUATION AND COMMENT

This proposal was carefully considered since the conservation easement is part of a larger planning effort with multiple players having varied management goals ranging from power generation, recreation and conservation, to development and economic growth.

According to MCA 76-6-107, open space land can be diverted from this use if the diversion is in the public interest. Public support for the value added commodity processing park has been locally and regionally strong. The northcentral region of Montana has high agricultural production potential and would welcome more stabile markets. The processing park is expected to provide a stabile demand for agricultural products, thus increase employment and reduce the outflux of residents. In addition, the diversion of open space must not conflict with the comprehensive planning for the area. The processing plant is consistent with the interest and intent of the Great Falls City-County Growth Policy 2003; and, according to the City of Great Falls Planning Office, this policy encourages the economic development of value added businesses into the strategic plan and support facilities such as railroads to serve these developments. In accordance to the above statute, real property of at least equal market value and nearly equivalent usefulness and location for use as open-space land shall be substituted with one year. The proposed twenty acre substitution will occur prior to construction of the new railroad across the conservation easement. The general provisions (#8) of the conservation easement allow amending the easement by mutual consent of the parties.

FWP recently completed the Giant Springs State Park Area Management Plan teaming up with PPL Montana, the City of Great Falls, Giant Springs State Fish Hatchery, Cascade County, Recreational Trails, Inc., Bureau of Land Management, and the Lewis and Clark National Historic Trail Interpretive Center (USFS). PPL Montana is committed to providing recreational opportunities in accordance with the Missouri-Madison Comprehensive Recreation Management Plan which utilizes the Recreation Opportunity Spectrum and Limits of Acceptable Change management frameworks. These groups all manage and maintain natural areas along this reach of the Missouri River for hiking, biking, viewing wildlife and open spaces, and other non-motorized use. The twenty acres proposed to be added to the conservation easement coincide with these plans for natural areas and related recreational activities.

Environmental impacts to the approximately three acres of easement as a result of allowing the new railroad easement are considered minor given the planned reclamation and methods of mitigation, including substitution with twenty acres of additional land of similar values. Replacing top soil, compaction and seeding of native grasses and woody vegetation will expedite the return of natural areas after construction. The natural lack of rainfall and other water sources in this area limits the potential impacts to the water shed, drainages, water related vegetation or wildlife. Placement of excess fill material has been considered by TD&H

Engineering Consultants by placing longer culverts where needed adjacent to the existing BN railroad and reclaiming disturbed areas with methods noted above.

The proposed amendment to allow railroad right of way across the conservation easement is not considered a significant impact to the environment because of the small acreage, its locale at the edge of the easement, low visitation, the presence of other large manmade structures in the viewshed, i.e. an existing railroad line with cut banks, multiple large power lines, and power generation related facilities.

The twenty acres proposed to replace the right of way access is six times larger than the right of way land and provides a more varied topography for views, and wildlife habitat. This tract provides an opportunity to preserve land in perpetuity for hiking, biking, hunting, and non-motorized activities.

The direct, secondary and cumulative impacts of the proposed project are expected to have minor effects on the physical and human environment. The mitigation proposed compensates for impacts in the short term and long term with such actions proposed as seeding of native grasses on disturbed soils and the substitution of land. Regional and local planning goals for economic development and natural conservation can be met with this proposal.

PART VI. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?
If an EIS is not required, explain <u>why</u> the EA is the appropriate level of analysis for this proposed action.

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the proposed action; therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis. Additionally, the seriousness and complexity of the issues analyzed in accordance with ARM 12.2.431 makes the EA an appropriate level of review.

2. Name, title, address and phone number of the person(s) responsible for preparing the EA:

Sue Dalbey	Mike Aderhold	John Kramer
Independent Contractor	FWP Regional Supervisor	President
Dalbey Resources, LLC	FWP	Great Falls Dev. Authority
926 N. Lamborn St.	4600 Giant Springs Road	PO Box 2568
Helena, MT 59601	Great Falls, MT 59405	Great Falls, MT 59403
406-443-8058	406-454-5840	406-454-1934

3. List of sources consulted during preparation of the EA:

Montana Fish, Wildlife & Parks
- Parks Division
- Wildlife Division
- Fisheries Division
- Design & Construction Bureau
- Lands Division
- Legal Unit

Montana Natural Heritage Program – Natural Resources Information System (NRIS)

Baseline Data Report for Lewis & Clark Heritage Greenway Conservation Easement, prepared by Lisa Bay Consulting for Montana Fish, Wildlife and Parks, August 1999

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Thomas, Dean & Hoskins, Inc. Engineering Consultants

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